

REMARKS

Applicants note with appreciation that claim 10 is allowable.

Claim Status

Claims 1-11 are pending.

Claim 12 has been withdrawn.

Claims 1, 2 and 5 to 11 have been amended.

Information Disclosure Statement

Applicants have filed along with this response an Information Disclosure Statement.

Specification

The paragraph on page one, lines 18-21, of the specification has been amended as requested to recite the serial number of the referenced U.S. patent application.

Elections/Restrictions

Applicants have amended claims 1 and 2 to conform to the scope of the search in view of restriction and election requirements. Applicants reserve the right to file divisional applications to capture the subject matter that was deleted from the claims due to the restriction and election requirements. Applicants thank Examiner Paviglianiti for spending the time to clearly set forth the scope of the search, using the claims as a basis, and noting what was not included in the search. This was very helpful.

35 U.S.C. § 103(a)

Claims 1, 2 and 3 have been rejected as allegedly being unpatentable under 35 U.S.C. § 103(a) over Chang et al. (Chang I) in view of Chang et al. (Chang II). The designations of Chang I and II as used herein are the same as

used in the Office Action. Specifically, it has been alleged that Chang I teaches the particular compound drawn in the Office Action (page 9).

Applicants respectfully submit that claim 1 is not obvious from Chang I in view of Chang II because the two R³ moieties of present claim 1 are not substituted. In contrast, in the compound recited in the Office Action, the triazole group, which corresponds to R³ of the present invention, is substituted by a substituted benzyl group. Because the compounds claimed in claim 1 are structurally different from the compound referenced in the Office Action, Applicants respectfully request withdrawal of this rejection with regard to claim 1.

Applicants have amended claim 2 to delete the possibility that R⁷, a substituent on the triazole group, can be (C₁-C₆alkyl) substituted with (C₆-C₁₀aryl). Because the compound recited in the Office Action contains a substituted benzyl group on the triazole ring, and this possibility is excluded from amended claim 2, Applicants respectfully request withdrawal of this rejection. Chang II adds nothing to Chang I because the compounds claimed in the amended claims are structurally different, and Chang II does not add anything to Chang I which would suggest the presently claimed invention.

Claim 3 has also been rejected. Claim 3 depends upon claim 1 and 2. For the reasons above with respect to claims 1 and 2, Applicants believe that claim 3 is patentable over Chang I in view of Chang II.

In view of the amendment to claims 1 and 2 and the remarks made above, Applicants respectfully request withdrawal of this rejection.

35 U.S.C. § 112, Second Paragraph

Claims 6 to 9 have been rejected under 35 U.S.C. § 112, second paragraph, because these claims allegedly recite values for R⁷ that are outside the range of R⁷ of some of the claims upon which claims 6 to 9 depend. Claims 6 to 9 have been amended to depend on claims 1, 2 and 3. Claim 5 has also been similarly amended. In view of the amendments to claims 5 to 9, Applicants believe that this rejection has been overcome.

Claim Objections

Claims 3 to 9 and 11 have been objected to as allegedly being dependent upon a rejected base claim. In view of the amendments to the independent claims made above, Applicants believe that all claims are in condition for allowance.

Claims 1 and 2 have been objected to for the use of the word “suitable” and “suitably.” Claims 1 and 2 have been amended to delete these words.

Claim 1 has also been objected to because the recitation of the bond to the cyano group was on the wrong side. Claim 1 has been amended to correct this typographical error. Claim 2 has also been amended to correct this error.

Claim 2 has been rejected for the use of the phrase “such as.” Claim 2 has been amended to delete this phrase and include the phrase “consisting of” as helpfully suggested by the Examiner.

Conclusion

In view of the amendments and remarks made above, Applicants respectfully request reconsideration and allowance of Claims 1 to 11.

Respectfully submitted,

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